

SPECIALIZED RESIDENTIAL CHILD CARE PROGRAM RULES

10A NCAC 70J

EFFECTIVE OCTOBER 1, 2008

This document addresses the changes in 70J rules effective October 1, 2008. A brief description of the new/changed rule is under each section in *italics* and the current rule is below the description. Rules that became effective October 1, 2008 are highlighted in yellow throughout this document.

SECTION .0100 CHILDREN'S FOSTER CARE CAMPS

In Section .0101 the rule previously indicated that all of the rules in 10A NCAC 70I apply to foster care camps. The new rule changed that to only sections 70 .0100 - .0501. However, this was an error and is being corrected in the next revisions. The rule will be that sections 70I .0100 - .0615 apply to foster care camps. Section .0103 (a) added additional training requirements and continuing education requirements for staff and supervisory staff. Note that although the CPR and first aid training in 70I .0405 (f)(2)(B) were previously required in this section, there were changed made to this rule (70I .0405 (f)(2)(B)) effective 10/1/08. There were no other changes in this section.

10A NCAC 70J .0101 APPLICABILITY

In addition to the rules in 10A NCAC 70I .0100 through .0501, the rules in this Section apply to all persons licensed or seeking licensure for a children's foster care camp as defined in 10A NCAC 70I .0201.

10A NCAC 70J .0102 ADMISSION CRITERIA

In order to be considered for admission into a foster care camp, a child shall meet the following criteria:

- (1) be between the ages of eight and 17 years old;
- (2) be physically able to participate in a camping experience; and
- (3) voluntarily consent to admission, recognizing/understanding the need for a therapeutic camping experience.

10A NCAC 70J .0103 PERSONNEL

(a) Direct service personnel and supervisory personnel, in addition to supervision and training specified in 10A NCAC 70I .0405(f)(2)(B), (C) and (4)(C), shall be provided supervision and training in the following areas:

- (1) rescue evacuation, updated every three years; and
- (2) basic emergency water safety course, with certification documented in the camp files and updated every three years.

(b) There shall be a minimum of two counselors for each 10 children participating in activities involving water, including swimming, boating, canoeing, and rafting.

10A NCAC 70J .0104 SERVICE PLANNING

Each child shall have a medical assessment, within 60 days prior to admission, documenting the child's ability to participate in the activities of a therapeutic camping experience in an outdoor setting.

10A NCAC 70J .0105 SERVICE DELIVERY

(a) An itinerary shall be on file at camp for any off-campus activity lasting longer than 24 hours. The itinerary shall include participants' names, daily schedule, list of check-in points, selected routes and telephone numbers of emergency resources along each route (sheriffs, hospitals, rescue squads).

(b) Education.

- (1) Each camp shall provide an alternative education experience and the educational program shall comply with the special education requirements of the Department of Public Instruction; or, each camp must be registered as and meet the requirements for a non-public school.
- (2) Education in a camp setting must be monitored and evaluated pursuant to either public or non-public school educational testing requirements to determine the child's achievement level.

10A NCAC 70J .0106 BUILDINGS AND GROUND EQUIPMENT

(a) Facilities.

- (1) All sleeping units must provide at least the following space:

- (A) 50 square feet per person;
 - (B) Three feet between the head, feet and sides of beds and sleepers; and
 - (C) 30 inches between sides of beds.
 - (2) All camper sleeping facilities shall be limited to one level structures.
 - (3) Any structure, sleeping or otherwise, with an occupancy of more than 12 persons, including staff, shall have at least two separate and independent means of exit.
 - (4) Open flame lighting shall not be used in sleeping shelters for lighting and heating.
- (b) Grounds:
- (1) There shall be potable water available at each camp site.
 - (2) At each children's camp there shall be provided a minimum of:
 - (A) one shower head for each 20 children;
 - (B) one flush toilet for each 20 children;
 - (C) one urinal for each 30 male children (urinals may not be substituted for flush toilets);
 - (D) one handwashing facility, adjacent to toilet facilities, for each 20 children; and
 - (E) a wilderness latrine facility approved pursuant to the rules of the Commission for Health Services.
- (c) Equipment:
- (1) Laundry facilities or equipment shall be available at each camp for all staff and children.
 - (2) Gasoline, kerosene, and other flammable materials shall be stored in covered safe containers, plainly labeled for contents.
 - (3) Power tools:
 - (A) All power tools, including mowers and trimmers, must have safety devices and be used according to manufacturer's instruction, maintained in good repair, and used only by those persons trained and experienced in their safety.
 - (B) Campers shall receive safety instructions before using such equipment.
 - (C) When campers are using such equipment, a trained and responsible adult must be present.
 - (D) When not in use, all power tools shall be stored in a locked place not occupied by children.
 - (4) Fire extinguishers shall be available in all areas so designated by fire safety officials, shall be properly charged and shall have current inspection labels.

SECTION .0200 EMERGENCY SHELTER CARE PROGRAMS

Throughout the new rules you will see the terms parent, guardian or legal custodian to define the parental relationship. It is important to understand that these are separate and distinct roles. An individual or an agency does not serve in the capacity of all three of these. Parent means the birth or adoptive parent of a child. Guardian means someone granted guardianship by a court. This is usually a relative or someone who has a relationship with a child (it is usually not a county dss). Legal custodian means an individual or an agency granted legal custody of a child by a court (in most instances county dss' serve as legal custodians). The term individualized service plan has been changed to out-of-home family services agreement. Section .0202 (c)(1) is a change from old rule which referred to residential child-care facility rules. The new rule specifies that a medical examination is required within two weeks of admission. Section .0202 (c)(2) clarifies that the agency placing the child completes the social summary. Section .0203 (2) and Section .0204 (3) are new and require an application for services. Sections .0204 (5)(7) and (9) through (13) are new. Note that if the facility uses the Application For Service developed by the Child and Family Services Association, NC this application can be used as the intake study if this is noted in the agency policy. Section .0204 (15) provides further details of what should be included in the discharge summary. Section .0205 (6) specifies the age of children required to sign the out-of-home family services agreement.

10A NCAC 70J .0201 APPLICABILITY

In addition to the rules in 10A NCAC 70I .0100, .0200, .0300, .0400, .0501, .0600 and .0900, the rules in this Section apply to all persons licensed or seeking licensure for an emergency shelter care program as defined in 10A NCAC 70I .0201.

10A NCAC 70J .0202 ADMISSION PROCEDURES

- (a) At the time of admission, a residential child care facility shall obtain the following information:
- (1) the name, sex, race, birth date and birth place of the child;
 - (2) when available, the parents' names, addresses, telephone numbers, birth dates, races, religion and marital status;
 - (3) when available, the names, addresses and telephone numbers of siblings and other relatives; a record of the child's prior placements with names of care givers, addresses and dates of care; and
 - (4) if the child has had prior placements, the names of care-givers, addresses and dates of prior placements.
- (b) Within 72 hours of admission, the facility shall obtain the following:
- (1) a written agreement for admission from the **parents, guardian** or legal custodian;
 - (2) consent for release of information;
 - (3) consent for emergency medical treatment; and
 - (4) consent for family time/visitation.
- (c) Within two weeks of admission, the facility shall obtain the following:
- (1) **a medical examination report from a licensed medical provider which includes a signed statement by the licensed medical provider specifying the child's medical condition and medications prescribed and indicating the presence of any communicable disease which may pose a risk of transmission in the facility; and**
 - (2) a social summary **from the agency placing the child** which includes background information on the child, his/her family, his/her presenting problems, and current circumstances.

10A NCAC 70J .0203 ADMISSION CRITERIA

A residential child care facility shall enter into and obtain a written agreement from the child's **parents or guardian**, or legal custodian within 72 hours of the child's admission which contains the following:

- (1) a statement documenting the **parent's, guardian's** or legal custodian's authority to place the child and designating the **parent's, guardian's** or legal custodian's consent for the child's admission;
- (2) **completed application for services that includes demographic information on the child and the child's parents or guardian;**
- (3) information which sets forth the role and responsibilities to be performed by the staff in the facility during the child's stay in the program;
- (4) information that specifies the expectations of the **parents, guardian** or legal custodian during the child's stay in the program;
- (5) specification of the anticipated length of the child's stay; and
- (6) specification of the projected goals for the child's **parents or guardian** during the child's stay in the program.

10A NCAC 70J .0204 RECORDKEEPING

Client case record. An individual case record shall be maintained on each child that contains the following:

- (1) written consent for placement;
- (2) documentation of placement authority;
- (3) **completed application for services that includes** demographic information on the child and the child's family;
- (4) consents for release of information, emergency medical treatment, family time/visitation;
- (5) **a medical examination report completed within two weeks after admission unless the child's health status indicates the completion of a medical examination report sooner and copies of subsequent medical examination reports;**
- (6) medical records and immunization records;
- (7) **intake study and related documents;**
- (8) **out-of-home family services agreement** and biweekly reviews;
- (9) **family contact and visitation plan, including type, duration, location both on-site and off-site and frequency, as well as any rationale for restrictions on family involvement. The facility shall maintain documentation of all family time;**
- (10) **birth certificate or other documentation that verifies the child's birth;**
- (11) **court orders;**
- (12) **documentation of medical insurance;**

- (13) consents for time-limited, audio-visual recording signed by both the child and parent or guardian, or legal custodian;
- (14) progress notes; and
- (15) discharge summary including date of discharge, time of discharge and the name, address, telephone number, and relationship of the person or agency to whom the child was discharged, a summary of services provided during care, needs which remain to be met and plans for the services needed to meet these goals.

10A NCAC 70J .0205 SERVICE PLANNING

Within one week of admission, an out-of-home family services agreement shall be developed and reviewed every other week, thereafter, by the shelter home staff, parents, guardian, or legal custodian of the child. The out-of-home family services agreement shall include:

- (1) the expectation and goals to be reached by the child while in care;
- (2) the tasks and activities of the shelter home staff to meet the needs of the child while in care;
- (3) the tasks and activities of the parents, guardian or legal custodian to meet the needs of the child while in care;
- (4) the projected discharge plan;
- (5) the projected length of stay; and
- (6) the signatures of the shelter home staff, the child's parents, guardian or legal custodian and child, if 12 years of age and older.

10A NCAC 70J .0206 DISCHARGE SERVICES

(a) A residential child-care facility shall establish a policy which specifies that no child shall remain in care longer than 90 days. An exception may be made to this policy if the facility has a policy which specifies the length of time and the circumstances by which a child will remain in shelter care longer than 90 days.

(b) Prior to discharge, the staff of the residential child-care facility shall develop a plan with the child to determine if follow-up services will be provided, the type of services to be provided and the timeframe for conducting these services.